

REMARKS

At the time of the Office Action dated February 28, 2007, claims 1-20 were pending and rejected in this application.

Claims 2-3 and 12-13 have been amended to address informalities, and claims 18-19 have been cancelled. Care has been exercised to avoid the introduction of new matter, and Applicants submit that the present Amendment does not generate any new matter issue.

In the second enumerated paragraph on page 2 of the Office Action, the Examiner objected to the "summary of the invention" and cited M.P.E.P. § 608.01(d). Although asserting that the summary "repeated description of what is claimed by application," the Examiner has failed to explain why this is improper. Applicants are not in a position to guess as to why the Examiner believes this section does not meet the requirements of 37 C.F.R. § 1.73. In fact, M.P.E.P. § 608.01(d) specifically states that "the summary should be directed to the specific invention being claimed." Thus, Applicants respectfully submit that the "summary of the invention" has met the requirements of 37 C.F.R. § 1.73.

In the third enumerated paragraph on page 2 of the Office Action, the Examiner objected to claim 9 and asserted the specification fails to define "author." There is no requirement that a specification define each and every word in the claims, and in particular, there is no requirement that a specification define common phrases, such as "author," having well-known meanings.

In the fourth enumerated paragraph on page 2 of the Office Action, the Examiner objected to claims 16-19 and asserted that these claims are improper because "because a multiple dependent claim cannot depend from any other multiple dependent claim." As stated in M.P.E.P. § 608.01(d), "a multiple dependent claim is a dependent claim which refers back in the alternative to more than one preceding independent or dependent claim." However, none of claims 16-19 are multiple dependent claims. As such, the Examiner's rejection is based upon a faulty analysis.

With regard to the fifth enumerated paragraph on page 2 of the Office Action, Applicants have amended claim 3 to recite "each edge between a contract node and a catalog node is associated with a contract identifier."

CLAIMS 1-10 ARE REJECTED UNDER THE FIRST PARAGRAPH OF 35 U.S.C. § 112

On page 3 of the Office Action, the Examiner asserted that the claimed invention, as recited in claims 1-10, contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. This rejection is respectfully traversed.

Specifically, the Examiner asserted the following on page 3 of the Office Action:

Claims 1-10 recite various means and steps of performing the recited claims which is shown by flow charts but fails point out how it is implemented by system. The applicant fails to present "the computer system" to implement the recited claims.

The Examiner's assertion stretches believability. The Examiner is apparently asserting that one having ordinary skill in the art would not know what a computer system is or how a computer system works. Figure 1 is described as a UML diagram. As is well-known in the art, UML

(Unified Modeling Language)¹ is a standardized language for modeling software, and the use of UML diagrams is very commonly known as a part of UML. Thus, based upon the UML diagram in Figure 1 of Applicants' disclosure, one having ordinary skill in the art would have been able to make and/or use the claimed invention. Thus, Applicants respectfully submit that the imposed rejection of claims 1-10 under the first paragraph of 35 U.S.C. § 112 is not viable, and hence, Applicants solicit withdrawal thereof.

**CLAIMS 1-20 ARE REJECTED UNDER 35 U.S.C. § 102 FOR ANTICIPATION BASED UPON
HARE ET AL., U.S. PATENT NO. 6,850,900 (HEREINAFTER HARE)**

On pages 4-12 of the Office Action, the Examiner asserted that Hare discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either explicitly or inherently, of each element of a claimed invention in a single reference.² As part of this analysis, the Examiner must (a) identify the elements of the claims, (b) determine the meaning of the elements in light of the specification and prosecution history, and (c) identify corresponding elements disclosed in the allegedly anticipating reference.³ This burden has not been met.

¹ http://en.wikipedia.org/wiki/Unified_Modeling_Language.

² In re Rijckaert, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).

³ Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co., *supra*.

Claim 1

To teach the claimed "users of the electronic catalogs each being associated with one of the contracts," the Examiner cited Figs. 25A-J of Hare. However, upon reviewing these figures and column 28, line 66 through column 29, line 20, which refer to Figs. 25A-J, Applicants have been unable to find this teaching. The only discussion in these passages regarding "contracts" are in column 28, line 66 through column 29, line 2, which states:

The system also provides: (a) an administration-assign resources to user interface, as illustrated in FIG. 25A, which enables administrators to grant users permission to view specific contracts and catalogs.

This passage does not teach the limitations for which the Examiner is relying upon Hare to teach. Thus, the Examiner has failed to establish that Hare identically discloses these limitations.

To teach the claimed "means for generating, storing and maintaining a graph representing the electronic catalogs," the Examiner cited Fig. 5, Figs. 7A-C, and column 16, lines 16-28 of Hare. However, upon reviewing these figures and the Examiner's cited passage, Applicants have been unable to find this teaching. For ease of reference, column 16, lines 16-28 is reproduced below:

The content management application 18 also provides a plurality of interfaces which enable the supplier's contract manager to create general catalogs for buyers and specifically general catalogs for contracts with specific buyers. The system provides: (a) a general catalog-select items interface as illustrated in FIG. 7A which enables the supplier contract manager to select items for inclusion in the general catalog; (b) a general catalog-select items interface as illustrated in FIG. 7B which enables the supplier to include the selected items in the general catalog; and (c) a general catalog-naming interface as illustrated in FIG. 7C which enables the supplier to name the general catalog.

This passage fails to teach the claimed limitations as to several aspects. The claims recite "a graph" (i.e., a single graph) being used to represent "the electronic catalogs" (i.e., a plurality of catalogs). However, what is described by Hare refers to a single catalog (i.e., the "general catalog"). Moreover, the claims recite "a graph representing the electronic catalogs." What is

illustrated in Figs. 7A-7C is not a graph. Furthermore, the claim recites "storing and maintaining a graph," yet Figs. 7A-7C are described as "general catalog creation interfaces." As is common in the art, the interfaces are recreated each time they are generated and not stored and maintained, as claimed. Thus, the Examiner has failed to establish that Hare identically discloses these further limitations.

To teach the claimed "each node in the graph containing data," the Examiner cited Figs. 11A-Q, Figs. 12A-J, and Figs. 15A-G. However, upon reviewing these figures, Applicants note that these figures describe several different interfaces. Thus, not only are these interfaces not graphs, as claimed, these interfaces are not a single graph, as claimed. Thus, the Examiner has failed to establish that Hare identically discloses these further limitations.

To teach the claimed "each edge in the graph connecting two nodes and being associated with one or more catalog or contract identifiers," the Examiner cited Figs. 11J, 11L, Fig. 12C, Fig. 12D, and Fig. 12E. Applicants are entirely unclear why the Examiner is citing these figures. These figures illustrate interfaces, not a graph, as claimed.

To teach the claimed "means for traversing the graph in response to user requests, the traversal of the graph being constrained by the catalog or contract identifiers associated with the edges in the graph," the Examiner cited Fig. 1 and columns 16-35 of Hare. It is readily apparent that the Examiner has no idea where Hare teaches this limitation, since the Examiner cited 20 columns of text for a limitation that is only 30 words long. In this regard, the Examiner's rejection under 35 U.S.C. § 102 also fails to comply with 37 C.F.R. § 1.104(c), which reads:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

The manner in which the Examiner conveyed the statement of the rejection, which is to cite 20 columns of text, has not "designated as nearly as practicable" the particular parts in Hare being relied upon in the rejection.

Independent claim 11 is substantially similar to claim 1, and Applicants incorporate herein, as also applying to claim 11 the arguments previously presented with regard to claim 1. Therefore, for the reasons stated above, Applicants respectfully submit that the imposed rejection of claims 1-17 and 20 under 35 U.S.C. § 102 for anticipation based upon Hare is not viable and, hence, Applicants solicit withdrawal thereof.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or

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omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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Respectfully submitted,

/Scott D. Paul/

Scott D. Paul

Registration No. 42,984

Steven M. Greenberg

Registration No. 44,725

Phone: (561) 922-3845

CUSTOMER NUMBER 46320